

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

TERESA NICOLE BANKS,

Plaintiff,

3:12-cv-172-ST

v.

ALFREDO RANGEL, PAROLE OFFICER  
(for Gresham district),

FINDINGS AND  
RECOMMENDATION

Defendant.

STEWART, Magistrate Judge:

On February 3, 2012, this court issued Findings and Recommendations that plaintiff, Teresa Nicole Banks (“Banks”), be allowed to proceed *in forma pauperis*, but that her Complaint should be dismissed without prejudice and with leave to file an amended complaint (docket # 6). By Order dated April 3, 2012, Judge Simon adopted those Findings and Recommendations (docket # 9). By that time, however, Banks had already filed an Amended Complaint (docket # 8).

Unfortunately, the Amended Complaint fails to correct any of the deficiencies in the initial Complaint. It does provide greater factual detail as to Banks’ meetings and difficulties with her parole officer, defendant Alfredo Rangel. However, it still fails to disclose any basis for subject matter jurisdiction in this court. As previously explained, this court not only lacks

diversity of citizenship jurisdiction under 28 USC § 1332(a) due to both parties being citizens of Oregon, but also lacks federal question jurisdiction under 28 USC § 1331 due to the failure to state any claim alleging a violation of any federal law or provision of the United States Constitution.

To be removed from supervision by Rangel, Banks must seek relief elsewhere and not in this court of limited jurisdiction.

### **RECOMMENDATION**

Since Banks has been allowed an opportunity to cure the deficiencies in her Complaint, but has failed to do so, this case should be dismissed without prejudice.

### **SCHEDULING ORDER**

The Findings and Recommendation will be referred to a district judge. Objections, if any, are due Monday, April 23, 2012. If no objections are filed, then the Findings and Recommendation will go under advisement on that date.

If objections are filed, then a response is due within 14 days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement.

### **NOTICE**

This Findings and Recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any Notice of Appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of a judgment.

DATED April 4, 2012.

s/ Janice M. Stewart  
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Janice M. Stewart  
United States Magistrate Judge